

**From:** Rusho, Nancy -FS  
**Sent:** Thursday, November 29, 2012 8:35 AM  
**To:** FS-FPR\_NPCLW; Hughes, Clinton E -FS; [stonefly@mtida.net](mailto:stonefly@mtida.net); Jones, Martin E -FS  
**Subject:** RE: Need input for Sat: Collaborative Information - Minerals

Below is my input. I will pursue additional input on the withdrawal portion.

**From:** Jonathan Oppenheimer [<mailto:joppenheimer@idahoconservation.org>]  
**Sent:** Monday, November 19, 2012 3:16 PM  
**To:** FS-FPR\_NPCLW  
**Subject:** Collaborative Information - Minerals

Dear Forest Plan Revision Team:

I had a chance to briefly review some of the responses listed on the document entitled: "Forest-wide Direction (Components): Revision Collaborative Input: Cultural Resources "

Below, I provide some specific suggestions but more importantly highlight some areas where the suggestions at the Nov. 10 Collaborative session were misinterpreted or misunderstood.

Leaseable/Salable vs. Locatable

I noticed that the FS response to the issue that was raised at the Nov. 10 collaborative session referred to "Locatables (I.e. Hard rock minerals pursuant to the mining law of 1872).

The discussion was actually focused entirely on leasable and salable minerals, for which the FS does have discretion. The IRR defers to the Forest Plan with regards to surface use and occupancy, so basically in this instance, members of the Collaborative were suggesting that surface use and occupancy NOT be allowed in Backcountry-Restoration designated Roadless Areas on the Nez Perce-Clearwater NF.

Minerals Specialist Response: Further consideration by the Decision Maker is recommended. My understanding is that there was a collaborative process that Idaho used to establish the "Idaho Roadless Rule". I would be hesitant to recommend changes to what the State already put a lot of effort into. Since both of these items are discretionary the Forest can make those decisions on a case by case basis. Considering the boundaries of "Backcountry-Restoration" areas and determining if there is even potential for leasable minerals within those boundaries would be recommended. Careful review of the definition of "Backcountry-Restoration" is needed, but if restoration work is involved, or road improvements or trail improvements I would think the Forest could use some salable minerals to accomplish those goals. I don't believe the Nez Perce Clearwater has a lot of permitted salable materials sites...Slate Creek Limestone is one and maybe the garnet operations near St. Maries. Another check that would need to be made is how the "Backcountry-Restoration" boundaries compare to existing rock sources and/or potential rock sources.

### Mineral Withdrawals for Restored Areas

Also, with regards to the suggestion that restored areas be withdrawn from future mineral entry, the FS response was:

"Most restoration in historic areas were of un-regulated mining. Current laws are adequate to protect the historical resource and insure that future mining is within existing protective laws. "

This suggestion to incorporate as a standard was provided to ensure that where public (or private) dollars are invested to restore resources negatively impacted by mining, that the areas be withdrawn from future mineral entry to ensure that the restored landscape remains stable. A specific example that I'd cite is with regards to Meadow Creek (on the Payette NF). During two separate restoration efforts in 1998 and 2005, US Taxpayers spent upwards of \$5 million to restore a stream that was flowing through a highly impacted area as a result of historic mining at Stibnite. Numerous partners contributed to a restoration effort with support from IDFG, Nez Perce Tribe, EPA, DEQ, USFS, Mobil Corp, Shoshone-Bannock Tribe, ACOE, NOAA and others. Both restoration efforts were completed and the positive effects are being realized through decreased contamination of surface and groundwater resources, improved functionality of the riparian ecosystem, resurgence of aquatic lifeforms, etc.

Now, a mining company is proposing to revisit the site and place an open-pit mine directly under the section of stream recently restored. This is a monumental waste of time and resources and the intent behind the suggested **Standard** was that areas, once restored, be withdrawn from mineral entry. It is entirely unclear how compliance with the 1872 Mining Law, which effectively restricts the FS's discretion re: hard rock minerals, would provide adequate protection.

Only congressional withdrawals are long term withdrawals. In order for a withdrawal to go through, the FS has to show that we cannot adequately protect the area with the existing regulations. After restoration of an area if mining is proposed the required reclamation would be to put the area back to the same high quality that currently exists. In addition, the cost of that restoration would be used in the calculation of the bond required to assure the reclamation occurs. We can check on what actually occurred in the Meadow Creek area, but it could be the cost was high because it was reclamation of a mixture of recent mining and historical mine problems. Please check with the lands personnel about all the steps and costs associated with doing a withdrawal from mineral entry...the cost for us, the likelihood of success and the need to renew every 20 years. I can pursue additional advice to try to get more details.

### Hazards to natural environment

The Desired Conditions currently reads: "Abandoned mines that present a physical or chemical hazard to humans are identified and inventoried (12)and reclaimed in an appropriate manner (67) "

I suggest that the word "humans" be replaced with "the human and natural environment."

I recommend making this change.

If you could pass this on to the Minerals Staff on the ID Team and/or to Marty Jones, who attended the meeting, I'd appreciate it.

Finally, the document that tracks changes between the collaborative input and the FS ID team is difficult to read. I would suggest a) that the Title be changed to reflect the Minerals discussion, and that many of the editing changes (tracked) be accepted so as not to unnecessarily clog up the document with red line notations.

Thanks, and don't hesitate to contact me if you have any questions,  
jonathan

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**Jonathan Oppenheimer**

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